

Department of Fish and Game Comments on the November 1999 Response to Comments Document

Comment Number	Final Response Code	Commentor	Comment/Concern	
1	ERP II 0-6 ERP II 4.0-2	DFG	<p>CALFED's response that NHI does not offer any suggestions is not totally true. We recommend the following edits:</p> <p>CALFED appreciates NHI's input regarding the need to expand the ERP targets. NHI's October 1998 report titled <i>An Environmentally Optimal Alternative for the Bay-Delta</i> provided CALFED and others with important input to the process and will be considered carefully during site specific planning. CALFED believes that the targets currently in the ERP can be biologically justified. However, CALFED also recognizes that once implementation begins, adaptive management may guide us to modify those targets. If the targets are expanded the impacts of that expansion will require supplemental environmental documentation. CALFED also appreciates NHI's recommendation to develop a program of incentives that makes it attractive to landowners to initiate restoration programs. We expect that this tool will be used effectively to implement the ERP. NHI offers no suggestion as to what they think the targets should be. They do suggest that "significantly expanding the proposed land restoration targets will not significantly alter CALFED's land use and agricultural impact analysis....". We disagree.</p>	
2	IA-6.1-7; second to last sentence in response	DFG	<p>Suggest adding the following wording so sentence reads as follows:</p> <p>"...an isolated facility that would allow a change in the point of diversion for the CVP and SWP".</p>	
3	IA-6.1-10	DFG	<p>The response should drop any reference to "volume". A properly operating fish screen will meet the required approach velocities no matter what volume of water is being diverted.</p>	

4	IA 6.2.2-1	DFG	The last sentence in the response should be deleted. It does nothing to improve the response and, if anything it suggests that the reader had a chance early on and missed that opportunity.	
5	IA-6.2.6.1-1b	DFG	This response should be expanded to say that only lands from willing sellers will be utilized to meet habitat goals.	
6	IA-6.2.7.1-3j	DFG	Should add the following sentence to the response: Impacts associated with construction of an in-Delta storage facility would be covered under separate site-specific environmental documents when the facilities are constructed.	
7	ERP 16.12-6	DFG	comment: Delete the second sentence of this comment.	
8	ERP II 16.12-7	DFG	The current needs to be reworded as follows: CALFED would not purchase riparian lands currently owned by a State Agency to meet habitat goals established in the ERP process. In addition, CALFED does not currently have the authority to purchase lands and will rely on either State or federal agencies and private non-profit organizations to purchase available properties.	

9	LS-4.2-2 and LS-4.2-3	DFG	<p>Both responses (LS-4.2-2 and LS-4.2-3) should be rewritten to move the emphasis from vegetation is <i>bad</i> on levees to say the goal is retention of vegetation and it may be <i>unfortunately necessary</i> to remove vegetation in some instances.</p> <p>The responses should also incorporate the differences between bot State and Federal standards, and how these inconsistencies might be resolved.</p> <p>The artificial conflict of vegetation vs bare levees should be abandoned in favor of a positive discussion of how vegetated river corridors will be developed.</p>	
10	CR3.3	DFG	In response to the comment that the ERP doesn't go far enough, it may help to briefly describe the six goals of the Strategic Plan and the comprehensive scope of what the ERP is trying to achieve.	
11	CR5.2	DFG	In the second to last paragraph, CMARP is incorrectly referred to as the Comprehensive Monitoring and Review Program. It should be revised to Comprehensive Monitoring, Assessment and Research Program.	

12	PH2:3.1-3	DFG	<p>We suggest you provide a little more explanation of the conveyance strategy by replacing the second sentence with the following text from the Phase II report:</p> <p>CALFED's strategy is to develop a through-Delta conveyance alternative based on the existing Delta configuration with some modifications, evaluate its effectiveness, and add additional conveyance and/or other water management actions if necessary to achieve CALFED goals and objectives. The initial through-Delta conveyance will be continually monitored, analyzed, and improved to maximize the potential of the through-Delta approach to meet CALFED goals and objectives, consistent with the CALFED Solution Principles. If the through-Delta conveyance fails to meet the CALFED goals and objectives, there will be a reassessment of the reasons and the need for additional Delta conveyance and/or water management actions.</p>	
13	PH2:3.6.6-7	DFG	<p>In the second sentence we suggest you state that regulatory assurances will initially be limited or qualified based on implementation of ERP, EWA and other key CALFED Program elements. Assurances that the fish and wildlife agencies will be able to provide will increase over time as implementation proceeds and the goals of the ERP are achieved.</p>	
14	PH2:3.6.6-19	DFG	<p>The last sentence states that "more balance" is one of the objectives of the Water Management Strategy. This suggests that the current strategy is out of balance in favor of ESA species. We suggest you replace the phrase "more balance" with "achieve an equitable balance in the beneficial uses of water".</p>	
15	ERP III 4.2-1	DFG	<p>The reference period in this response of early 1960s for steelhead needs to be reconciled with the reference period of late 1950s stated in the MSCS (see Response MS3.1-1). Consider stating the reference period as the late 1950s to early 1960s.</p>	

16	ERP III 5.7-3	DFG	We suggest you add "State and federal Endangered Species Act..." to the list of regulatory requirements.	
17	MS 3.4-1	DFG	<p>The second sentence says that CDFG is expected to make the determination that the Programmatic MSCS evaluated species are adequately conserved. It is premature to suggest that all 243 evaluated species will be covered species. We therefor suggest you revise this sentence with the following:</p> <p style="text-align: center;">"CDFG is expected to make its NCCP determination at the time of the Record of Decision for the Programmatic EIS/EIR."</p>	
18	MS 3.4-3	DFG	We suggest you include in your response reference to the Water Management Strategy under development.	
19	PH 2:3.6.6-7	DFG	<p>There is a risk that the response rules out prescriptive standards that may be imposed to mitigate the adverse impacts of a new water supply action. We recommend the following edits:</p> <p>The intent of the EWA is to own assets that can be used to provide the operational flexibility to improve conditions for aquatic resources while avoiding further reductions in existing water supplies. The EWA will not remove all existing regulatory restrictions or avoid the need to establish specific operational plans with operation rules designed to mitigate adverse impacts associated with new water supply actions. The EWA, if successfully implemented in concert with the ERP, will minimize the existing uncertainty associated with impromptu diversion restrictions or offset future prescriptive standards needed because the health of the Bay-Delta's aquatic resource continues to decline. and allow more efficient use of water to meet biological needs. As part of the EWA evaluation the question of what size and mix of assets must be available to the EWA to assure successful implementation <u>no new regulations during Stage 1 is to be evaluated.</u></p>	

20	PH 2:3.6.6-13	DFG	<p>The response should be modified as follows:</p> <p>The EWA is being designed to minimize conflicts the not interfere with project operations and, to the extent possible, be integrated with those operations. -- for example the EWA could be last in line for using storage and conveyance facilities.</p>	
21	PH 2:3.6.6-19	DFG	<p>The response should be modified as follows:</p> <p>Successful implementation of the EWA in concert with the ERP will help provide assurances that the goals of CALFED will be met and that the species recovery goals in the Multi-Species Conservation Strategy will be achieved, to the resource agencies that the environment and ESA species will achieve recovery, and thus provide for more water supply reliability. With those assurances the assurance of the EWA, regulatory agencies will not be faced with the need may be more reluctant to expand existing demands on water supply and/or curtail deliveries from the Delta as a means to achieve species recovery. and supportive of new infrastructure that would share water supplies. Regulatory relief and more balance are objectives of CALFED's overall Water Management Strategy.</p>	
22	PH 23.6.6-26	DFG	<p>The response should be modified as follows:</p> <p>An EWA will be coordinated with meeting ERP flow targets and CVPIA flow requirements. Export reductions or flow augmentation planned under the EWA will contribute to restoring internal are designed to provide indirect benefits to Delta hydrodynamics. EWA resources would be used to enhance Delta inflows as well as Delta outflows via changes in export patterns.</p>	
23	PH 2:3.6.6-29	DFG	<p>The response should be modified as follows:</p> <p>CALFED's Water Management Strategy that is under development will take into account new supplies generated by new facilities and modified demands, take into account operating criteria that will be needed to mitigate the adverse impacts of those new facilities, and work to balance allocation of these new supply capabilities between the EWA and water supply to ensure a net benefit to both water uses.</p>	

24	PH 2:3.6.6-40	DFG	<p>The response should be modified as follows:</p> <p>The WMS and CALFED Program would provide some measure of regulatory assurance during Stage 1 in support of EWA actions. The extent of assurances will be dependent upon a number of factors including the size and flexibility of an EWA and on whether implementation of an EWA in combination with protective operating criteria, and implementation of the ERP provides the fishery agencies with the ability to provide adequate protection for listed species such that those species would be on a trajectory to recovery.</p>	
25	PH 2:3.6.6-52	DFG	<p>The response should be modified as follows:</p> <p>The EWA could access unused space in project reservoirs or lease or purchase space in other surface or groundwater reservoirs. The priority of EWA's use of borrowed storage will be defined as the Water Management Strategy is further developed. The EWA would have low priority for borrowed space.</p>	
26	PH 2:3.6.6-86	DFG	<p>The response should be modified as follows:</p> <p>Operation of the EWA and what resources it will have available have yet to be determined. The EWA is intended not to inhibit flexibility of the water supply system, in fact the intent is to improve maximize system flexibility.</p>	
27	PH 2:3.6.6-88	DFG	<p>The response should be modified as follows:</p> <p>Water acquisitions, options, and transfers undertaken as part of an EWA could affect future water transfers of urban water agencies. It is CALFED's intent that EWA water transfers would coordinated in a manner that would reduce or avoid interfering not interfere with the water supply system's capability to accommodate water transfers for other beneficial uses.</p>	
28	PH 2:3.7-5	DFG	<p>The response should be modified as follows:</p> <p>It definitely is not the intent of CALFED to set a water quality constraint for the sole purpose of ensuring that requires construction of the isolated facility.</p>	

29	PH 2:4.1-5	DFG	<p>The response should be modified as follows:</p> <p>Increasing permitted pumping capacity to the full 10,300 will require modification to channels, construction of a new screened intake, and other actions (such as flow barriers and dredging and extending diversions) that could take longer than Stage 1 to complete.</p>	
30	PH 2:4:3-6	DFG	<p>The response should be modified as follows:</p> <p>The CALFED program has been developed with an unprecedented level of local public input. Every aspect of the CALFED program will be coordinated closely with stakeholders approved by the electorate, elected officials, or their appointees.</p>	
31	PH 2:5.5-1	DFG	<p>The response should be modified as follows:</p> <p>CALFED is committed to compliance with the federal and state endangered species acts and the California Natural Community Conservation Planning Act. Water Supply reliability and ecosystem health are not incompatible.</p>	
32	IP-1.1-4	DFG	<p>The response should be modified as follows:</p> <p>CALFED appreciates the important role played by the DPC and welcomes a closer collaboration with the DPC in the planning and implementation process for the CALFED Bay-Delta Program. The DPC involvement has been enhanced by their recent inclusion as a CALFED agency.</p>	
33	IP-2.8-1	DFG	<p>The response should be modified as follows:</p> <p>A comprehensive approach to address lower San Joaquin River and south Delta water quality, fisheries, and water supply concerns, including permanent operable barriers at the head of Old River, in Middle River, in Grant Line Canal, and in Old River near Tracy was included in the Preferred Program Alternative evaluated in the Draft Programmatic EIR/EIS.</p>	

34	IP 4.4-3	DFG	<p>The response should be modified as follows:</p> <p>CALFED agrees that there needs to be a long-term commitment to manage, operate, and maintain restoration projects in order to ensure program objectives and targets of the Watershed or Ecosystem Restoration Programs are met. Funding for acquisition of lands will need to be accompanied by a commitment to manage operate, and maintain those lands for the CALFED purposes. In some cases, lands acquired and restored would become part of the state-wildlife area or federal refuge system. In other cases the lands may remain in private ownership through easements. In the early ecosystem restoration program, financing has been provided for land acquisition and restoration actions. Ongoing costs for operations and maintenance has, in most cases, been the responsibility of the project proponent, whether federal, state, local or private. ThisThe cost-sharing approach for ecosystem project operations and maintenance for will likely continue in the long-term implementation of the ERP has not yet been developed.</p>	
35	0908.1	DFG	<p>The response should be modified as follows:</p> <p>The preferred alternative as well as the dual Delta conveyance alternative provide total or partial maintenance of maintains a Delta common pool.</p>	
36	PH 2:3.6.6-65	DFG	<p>The response should be modified as follows:</p> <p>SomePrescriptive standards, such as those governing X2, are expected to remain a part of Bay-Delta water management, in combination with more flexible operations. Prescriptive standards are also expected to be part of operations plans for new water supply actions in order to mitigate the adverse impacts of those actions on aquatic resources. A change in prescriptive standards such as the X2 standard could would be made onlyif the same or greater level of protection could be achieved at a lower water cost. Any increased water supplies resulting from those changes would be shared in a manner that has yet to be defined.</p>	

37	ERP I 4.2-19	DFG	<p>The response should be modified as follows:</p> <p>Essentially, the ERPP flows will become EWA flows when they reach the Delta.</p>	
38	ERP I 12.14-2	DFG	<p>The response should be modified as follows:</p> <p>Unfortunately, there is nothing we can do about it. Commercial salmon fisheries are highly regulated and those regulations are adjusted accordingly. CALFED agencies will provide their input into that regulation setting process with a goal of assisting in achieving CALFED's objectives.</p>	
39	ERP II 1.8-1	DFG	<p>The response should be modified as follows:</p> <p>We are committed to pursue additional research and evaluation of demonstration projects for those targets with the greatest level of uncertainty and to pursue staged implementation for targets with moderate levels of uncertainty. reduce or eliminate the uncertainty before we take substantive action to implement those targets.</p>	
40	ERP II 4.12-1	DFG	<p>The response should be modified as follows:</p> <p>CALFED has adopted a policy that is intended to reduce minimize the need to convert economically productive Delta agricultural land to habitat. CALFED will focus first By focusing on public land, next on easements, and last on private lands acquired from willing sellers. Restoration of submerged land and the recreation of channel islands and attached berms will also be considered. Through this combination approach, we believe we can achieve most, if not all, of our objectives.</p>	
41	ERP II 4.12-3	DFG	<p>The response should be modified as follows:</p> <p>CALFED is considering following the recommendation in the "Ad Hoc" memo in pursuing ecosystem restoration in the Delta.</p>	

42	ERP II 4.12-4	DFG	<p>The response should be modified as follows:</p> <p>If evaluations currently in progress successfully demonstrate a means can be found to raise the elevation of heavily subsided islands in the Central and Western Delta such as Sherman Island, it could would become a location for restoration of various tidal aquatic habitats.</p>	
43	ERP II 4.12-5	DFG	<p>The response should be modified as follows:</p> <p>We are conducting an analysis to evaluate the need and feasibility of screening the smaller agricultural diversions and a process for prioritizing those diversions for screen installation.</p>	
44	ERP II 4.12-8	DFG	<p>The response should be modified as follows:</p> <p>Up to 18,000 acres are targeted for restoration in the north Delta. The actual number of acres that might be restored to habitat is less than 7000. The additional acreage is associated with our "wildlife friendly" agricultural lands. easement proposal. Targets are subject to reevaluation based on adaptive management and site specific environmental documentation.</p>	
45	ERP II 4.2-7	DFG	<p>The response should be modified as follows:</p> <p>We have committed to minimize, to the extent possible, minimal conversion and each project will be designed to avoid neighboring impacts or mitigation will be provided.</p>	
46	CR 11	DFG	<p>The fifth sentence of the third paragraph of the response should be modified as follows:</p> <p>Also, water contracts between the Bureau of Reclamation and Department of Water Resources contracts with water wholesalers determine the rates paid by many growers.</p>	

47	CR 12	DFG	<p>The second paragraph of the response should be modified as follows: Should agricultural lands still be required after considering the avoidance mitigation strategies, the Program also proposes to acquire land only from willing sellers, so that individual farmers are not unfairly impacted. Agricultural lands required after considering the avoidance mitigation strategies, will be acquired only from willing sellers, so that individual farmers are not unfairly impacted.</p>	
48	CR 12	DFG	<p>The following sentence should be added before the last sentence of the third paragraph on page 1 of the common response:</p> <p>For instance, paying in-lieu taxes for lands acquired by the Program will be considered.</p>	
49	CR 12	DFG	<p>Modify the second to the last sentence as follows:</p> <p>These include: the Multi-Species Conservation Strategy, to adequately conserve species and result in their recovery so that frequent and unpredictable reductions in water diversions from the Delta can be avoided; avoid future endangered species listings and attendant water diversions; the Levees Program, designed to avoid catastrophic levee failure in the Delta, and resulting interruptions in water delivery; and the Storage program, which will investigate the feasibility of adding storage to meet identified water needs.</p>	

50	CR 16	DFG	<p>Modify the third paragraph as follows:</p> <p>CALFED has evaluated an isolated facility in the size range of 5000 to 15,000 cfs as part of a comprehensive program designed to solve multiple problems in the Bay-Delta. The Program is not considering an isolated facility as a means of increasing water supply. Unlike the Peripheral Canal, with the dual Delta conveyance alternative exports from the south Delta would continue with the amount of those exports dependent on the size of isolated facility selected. An isolated conveyance facility would only be constructed if CALFED cannot achieve its water quality or ecosystem restoration goals and with there is a future demonstrated need to improve export water quality or to improve operational flexibility in order to which could reduce the impacts of diversions on fish. The isolated facility is not part of the Preferred Program Alternative.</p>	
51	CR 16	DFG	<p>The following should be added to the end of the Evaluation of Conveyance Options section:</p> <p>All three alternatives analyzed by CALFED, including the dual conveyance alternative, continued to rely on these Delta channels and thus retained that shared interest.</p>	
52	IA-5.2-19	DFG	<p>Modify the response as follows:</p> <p>Mitigation through releases from storage as well as reduced export pumping will be considered if significant impacts are predicted as a result of induced shifts in the location of X2.</p>	
53	IA-5.2.8-3	DFG	<p>Modify response as follows:</p> <p>"The preferred program alternative includes does not include a larger Delta export facility but does include allowing increased exports up to the existing State Water Project facility's capacity of 10,300 cfs, some channel enlargements in"</p>	